ALBANY, NEW YORK

July 2, 1993

8:18 p.m.

REGULAR SESSION

LIEUTENANT GOVERNOR STAN LUNDINE, President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S.

THE PRESIDENT: Senate will come to order. The Senators will please find their places.

I would like to ask everyone present to rise and repeat the Pledge of Allegiance with me.

(Whereupon, the Senate joined in the Pledge of Allegiance to the Flag. )

Please be seated.

In the absence of visiting clergy, may we now bow our heads in a moment of silence.

(Whereupon, there was a moment of silence. )

Secretary will read the Journal.

THE SECRETARY: In Senate, Thursday, July 1. The Senate met pursuant to adjournment. Senator Farley in the chair upon designation of the Temporary President. The Journal of Wednesday, June 30, was read and approved. On motion, Senate adjourned.

THE PRESIDENT: Hearing no

objection the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Secretary will read.

THE SECRETARY: The Assembly returned Senator Sears' bill, Senate Bill Number 3452B, Assembly Reprint Number 30,000, with amendments, Agriculture and Markets Law.

THE PRESIDENT: Concur in amendments and restored.

Messages from the Governor.

Reports of standing committees.

Secretary will read.

THE SECRETARY: Senator Marino, from the Committee on Rules, reports the following bills directly for third reading:

By Senator Montgomery, Senate Bill Number 1588, authorize the city of New York to reconvey its interest in certain real property;

Senate Bill Number 2268, by Senator Farley, to allow James Cummings, Sr., town justice in the town of Providence

retroactive membership in Tier II;

2478, by Senator Jones, amends Chapter 928 of the Laws of 1966;

2485, by Senator LaValle, General Municipal Law;

2637B, by Senator Padavan, General City Law;

3694A, by Senator Maltese, Civil Rights Law;

3996, by Senator Holland, solid waste treatment and disposal in Orange County;

4181A, by Senator Nolan, establish a library district in the town of Coeymans;

4484A, by Senator Tully, Education Law;

4624, by Senator Lack, to allow James J. Spero retroactive membership in Tier I;

5308A, by Senator Velella, Insurance Law;

5378B, by Senator Skelos, an act to amend the Penal Law;

5510B, by Senator Skelos, Family

Court Act;

5593, by Senator Trunzo, Education Law;

5608A, by Senator Tully, Public Health Law;

5652, by Senator Farley, Real Property Tax Law;

5847A, by Senator Mega, Surrogate's Court Procedure Act;

5896A, by Senator LaValle, Environmental Conservation Law;

5925A, by Senator Spano, Highway Law;

5986, by Senator Spano, to allow Judge Gilbert Rabin retroactive membership;

6063, by the Committee on Rules, Administrative Code of the city of New York;

6077, by the Committee on Rules, to authorize Lawrence Leff, county of Nassau, retroactive membership;

5322A, by Senator Skelos, amends Chapter 879 of the Laws of 1936;

6112, by the Committee on Rules,

amends Chapter 336 of the Laws of 1992;

6079, by Senator Johnson, Environmental Conservation Law.

All bills reported directly for third reading.

THE PRESIDENT: Third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President. I wish to call up, on behalf of Senator Mega, his bill, Print Number 3004, which was recalled from the Assembly, which is now at the desk.

THE PRESIDENT: Secretary will read.

THE SECRETARY: By Senator Mega, Senate Bill Number 3004, an act to amend the Tax Law.

SENATOR FARLEY: I move to reconsider the vote by which this bill passed.

THE PRESIDENT: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration. )

THE SECRETARY: Ayes 53.

THE PRESIDENT: The bill is before the house.

SENATOR FARLEY: Offer the following amendments.

THE PRESIDENT: Amendments received.

SENATOR FARLEY: On behalf of Senator Bruno, on page 4, I offer the following amendments to Calendar 102, Senate Print 2354B, and I ask that that bill retain its place.

THE PRESIDENT: Without objection, so ordered.

SENATOR FARLEY: On page 19, on behalf of Senator Velella, I offer the following amendments to Calendar 855, Senate Print 1993, and I ask that that bill retain its place on the Third Reading Calendar.

THE PRESIDENT: Without

objection, so ordered.

SENATOR FARLEY: On behalf of Senator Daly, on page 23, I offer the following amendments to Calendar Number 1094, Senate Print 5200A, and I ask that that bill retain its place on Third Reading Calendar.

THE PRESIDENT: Without objection, so ordered.

SENATOR FARLEY: On behalf of Senator Johnson, on page 30, I offer the following amendments to Calendar 1347, Senate Print 5947A, and I ask that bill retain its place on the Third Reading Calendar.

THE PRESIDENT: Without objection, so ordered.

Senator Halperin.

SENATOR HALPERIN: Mr. President, I would like Calendar Number 1475, my bill, Print Number 6024, to be recommitted to the committee from whence it came.

THE PRESIDENT: So ordered.

Senator Stachowski.

SENATOR STACHOWSKI: Mr.

President. On behalf of Senator Solomon, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate Bill Number 5829A.

THE PRESIDENT: Without objection, so ordered.

Senator Saland.

SENATOR SALAND: Mr. President. I would like to remove the sponsor star from Calendar 200, Senate 766B.

THE PRESIDENT: So ordered.

Senator Maltese.

SENATOR MALTESE: Mr. President, on page number 33, I offer the following amendments to Calendar Number 1400, Senate Print Number 5977A, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: Without objection, so ordered.

Senator Holland.

SENATOR HOLLAND: Mr. President, I would like to remove a sponsor star: Calendar

324, Senate Print 880A.

THE PRESIDENT: Without objection, so ordered.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. On behalf of Senator Hannon, on page 41, I offer the following amendments to Calendar Number 1473, Senate Print 6019, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: So ordered.

SENATOR KUHL: Thank you.

THE PRESIDENT: Senator Wright.

SENATOR WRIGHT: Mr. President, I request that a sponsor star be placed on my bill, page 22, Calendar Number 1000, Senate Print 4277.

And a second bill, I again request a sponsor star be placed on: Page 35, Calendar Number 1436, Senate Print 3807B.

THE PRESIDENT: The bill is starred.

Senator Padavan.

SENATOR PADAVAN: Mr. President, I wish to call up my bill, Print Number 2516A, recalled from the Assembly which is now at the desk.

THE PRESIDENT: Secretary will read.

THE SECRETARY: By Senator Padavan, Senate Bill Number 2516A, an act to amend the New York City charter.

SENATOR PADAVAN: Mr. President, I now move to reconsider the vote by which the bill passed.

THE PRESIDENT: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration. )

THE SECRETARY: Ayes 53.

THE PRESIDENT: The bill is before the house.

SENATOR PADAVAN: Mr. President, recommit the bill.

THE PRESIDENT: The bill is recommitted.

Secretary will read.

THE SECRETARY: On page 8 of today's calendar, Senator Present moves to discharge the Committee on Rules from Assembly Bill Number 4804B and substitute it for the identical Third Reading 391.

On page 6, Senator Holland moves to discharge the Committee on Rules from Assembly Bill Number 4858A and substitute it for the identical Third Reading 211.

On page 36, Senator Johnson moves to discharge the Committee on Rules from Assembly Bill Number 8629A and substitute it for the identical Third Reading 1445.

On page 38, Senator Masiello moves to discharge the Committee on Rules from Assembly Bill Number 5077 and substitute it for the identical Third Reading 1461.

On page 38, Senator Stafford moves to discharge the Committee on Rules from Assembly Bill Number 8571 and substitute it for the identical Third Reading 1462.

On page 39, Senator Maltese moves

to discharge the Committee on Rules from Assembly Bill Number 1019 and substitute it for the identical Third Reading 1463.

On page 39, Senator Johnson moves to discharge the Committee on Rules from Assembly Bill Number 5673A and substitute it for the identical Third Reading 1465.

On page 39, Senator Larkin moves to discharge the Committee on Rules from Assembly Bill Number 8180B and substitute it for the the identical Third Reading 1466.

Also, on page 39, Senator Goodman moves to discharge the Committee on Rules from Assembly Bill Number 8212 and substitute it for the identical Third Reading 1468.

On page 39, Senator Mega moves to discharge the Committee on Rules from Assembly Bill Number 8418 and substitute it for the identical Third Reading 1469.

On page 39, Senator Libous moves to discharge the Committee on Rules from Assembly Bill Number 8506 and substitute it for the identical Third Reading 1471.

On page 41, Senator Wright moves to discharge the Committee on Rules from Assembly Bill Number 8663 and substitute it for the identical Third Reading 1474.

THE PRESIDENT: Substitution ordered.

Are there any other motions or resolutions?

Senator Present.

SENATOR PRESENT: Take up the non-controversial calendar, please.

THE PRESIDENT: Secretary will read, and please let's have some order in the chamber.

THE SECRETARY: On page 4, Calendar Number 72, by Senator Skelos, Senate Bill Number 949A, an act to amend the Civil Practice Law and Rules.

THE PRESIDENT: There is a message at the desk.

SENATOR PRESENT: Mr. President, I move we adopt the message.

THE PRESIDENT: On the motion.

All those in favor, say aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response. )

The ayes have it. The message is accepted.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 338, by Senator Sears, Senate Bill Number 3316B, an act to amend the General Business Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 391, substituted earlier today, by member of the Assembly Parment, Assembly Bill Number 4804B, Agriculture and Markets Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 395.

SENATOR PRESENT: Lay it aside for the day, please.

THE PRESIDENT: The bill is laid aside for the day.

THE SECRETARY: Calendar Number

557, by Senator Larkin, Senate Bill Number 3985A, an act to amend the General Municipal Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 682, by Senator Stafford.

SENATOR PRESENT: Lay it aside for the day.

THE PRESIDENT: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 846, by member of the Assembly Tocci, Assembly Bill Number 6960B, an act to amend the Executive Law.

THE PRESIDENT: Read the last

section.

THE SECRETARY: Section 2. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 874, by member of the Assembly Gromack, Assembly Bill Number 7099A, an act to amend the Public Authorities Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 885, by member of the Assembly Farrell, Assembly

Bill Number 6361A, an act to amend the Banking Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 951, by the Assembly Committee on Rules, Assembly Bill Number 7880A, conveyance of certain lands to the Malone Central School District.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1141, by the Assembly Committee on Rules, Senate Bill Number 8060A, Social Services Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1158, by member of the Assembly Connelly, Assembly Bill Number 2396A, Environmental Conservation Law.

SENATOR GOLD: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1213, by Senator Padavan, Senate Bill Number

4704C, Administrative Code of the city of New York.

THE PRESIDENT: There is a local fiscal impact note at the desk.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1216, by member of the Assembly Cahill, Assembly Bill Number 7101B, an act to amend the Public Authorities Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1250, by Senator Hannon.

SENATOR PRESENT: Lay it aside for the day.

THE PRESIDENT: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 1251, by Senator Lack, Senate Bill Number 5263, an act to amend the Labor Law.

SENATOR PRESENT: Lay it aside for the day.

THE PRESIDENT: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 1260, by the Senate Committee on Rules, Senate Bill Number 5853A, an act to amend the General Municipal Law.

SENATOR GOLD: Lay it aside for the Minority.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1262, by Senator Johnson.

SENATOR PRESENT: Lay it aside for the day.

THE PRESIDENT: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 1338, by Senator Hannon, Senate Bill Number 5206.

SENATOR PRESENT: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1343, by member of the Assembly Sanders, Assembly Bill Number 6985B, an act to amend the Social Services Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1351, by the Senate Committee on Rules, Senate Bill Number 5963A, Administrative Code of the city of New York.

THE PRESIDENT: There is a home rule message at the desk.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1371, by member of the Assembly -

SENATOR PRESENT: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1389, by Senator Pataki, Senate Bill Number

5576A, an act to amend the Mental Hygiene Law.

SENATOR LEICHTER: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1397, by the Senate Committee on Rules, Senate Bill Number 5954A, Administrative Code of the city of New York.

THE PRESIDENT: There is a home rule message at the desk.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1423, by the Senate Committee on Rules, Senate Bill Number 5702A.

SENATOR LEICHTER: Lay it aside.

SENATOR GOLD: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1444, by Senator Mega, Senate Bill Number 6985.

SENATOR PRESENT: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1445, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 8629A, an act to amend the Local Finance Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1449, by Senator Daly.

SENATOR LEICHTER: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1451, by Senator DeFrancisco, Senate Bill Number 6033, setting the taxable status of real property in the town of Lafayette.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 56.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1457, by the Senate Committee on Rules.

SENATOR GOLD: Lay it aside.

THE PRESIDENT: The bill is laid aside. The bill is high.

THE SECRETARY: Calendar Number 1458, by Senator Connor, Senate Bill Number 597, an act to allow Mary Ellen V. Adinolfi Tier I

status.

SENATOR SEARS: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1459, by Senator LaValle, Senate Bill Number 1966, to allow Elaine S. Harrison retroactive membership in the New York State employees retirement.

THE PRESIDENT: There is a home rule message at the desk.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 55, nays 2, Senators Gold and Leichter recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1460, by Senator Wright, Senate Bill Number

2340A, an act to amend the Executive Law and the State Administrative Procedure Act.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1461, substituted earlier today, by member of the Assembly Hoyt, Assembly Bill Number 5077, an act to amend the Public Housing Law, in relation to the members of the Buffalo Municipal Housing Authority.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1462, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 8571, an act to amend the Abandoned Property Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1463, by member of the Assembly Pheffer.

SENATOR OHRENSTEIN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number

1466, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 8180B, an act to amend the Real Property Tax Law.

SENATOR LEICHTER: Is this 1460?

THE PRESIDENT: This is -66, 1466.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 56, nays 1, Senator Pataki recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1468, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 8212, an act to amend the charter of Society of New York Hospital.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1469, substituted -

SENATOR GOLD: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1471, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 8506, an act to amend the Education Law, in relation to the compulsory school age.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1472.

SENATOR GOLD: Lay it aside.

THE PRESIDENT: The bill is laid aside. There is a local fiscal impact note at the desk.

THE SECRETARY: Calendar Number 1474, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 8663, an act to amend the Executive Law.

SENATOR LEICHTER: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1476, by Senator Johnson, Senate Bill Number 6037.

SENATOR GOLD: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 147.

SENATOR GOLD: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1501, reported earlier today direct for third reading, Senate Bill Number 5896A, by Senator LaValle, Environmental Conservation Law, the State Finance Law, and the Public Officers Law.

SENATOR LEICHTER: Lay it aside.

THE PRESIDENT: The bill is laid aside.

SENATOR GOLD: Hold on one second.

THE PRESIDENT: I am holding, at your request, Senator Gold.

SENATOR GOLD: We have no objection.

SENATOR PRESENT: Lay it aside.

THE PRESIDENT: The bill is laid aside.

That completes action on the non-controversial bills.

SENATOR TULLY: Mr. President.

THE PRESIDENT: Senator Tully.

SENATOR TULLY: Can I ask you what calendar number that was that was just laid aside.

THE PRESIDENT: I honestly don't know. It's not on the calendar.

The Secretary will report the number of the bill that was just laid aside.

THE SECRETARY: By Senator LaValle, Senate Bill Number 5896A, an act to amend the Environmental Conservation Law, the State Finance Law and the Public Officers Law.

SENATOR TULLY: The calendar number.

THE PRESIDENT: It's not on the calendar.

SENATOR TULLY: I'm asking to hear from the clerk.

THE SECRETARY: Calendar Number 1501.

SENATOR TULLY: Thank you.

THE PRESIDENT: Senator Present.

SENATOR PRESENT: Would you

recognize Senator Waldon, please.

THE PRESIDENT: Senator Waldon.

SENATOR WALDON: Thank you very much, Mr. President. I have a resolution at the desk. I respectfully request because of the nature of the resolution that it be read in its entirety.

THE PRESIDENT: Secretary will read.

THE SECRETARY: Legislative Resolution, by Senator Waldon, Ohrenstein and other members of the Senate mourning the death of Mark Lehner.

Whereas, it is the sense of this legislative body that the quality and character of life in this great Empire State is indelibly enriched by the faithful and unselfish service of those who would devote their life to public service.

A man of such honorable character and devotion to his state and community was Mark Lehner, whose life was cut short by heart failure at the age of 42.

Mark Lehner served with devotion, commitment and idealism as a principal legislative analyst in the Minority Program and Counsel Office for thirteen years.

Mark Lehner was a loyal alumnus of Syracuse University and a recent graduate of Western New England Law School.

Mark Lehner leaves behind his devoted wife, Annette, and his 17-month-old son, Erich, to keep alive his memory.

Mark Lehner showed strength and resolve in his three-month battle with illness.

The legacy of Mark Lehner will forever be imprinted upon the state of New York and upon the city of Rensselaer, where he did serve as an alderman.

The wit, intelligence and insight of Mark Lehner will be profoundly missed by his family, friends, colleagues and the members of the New York State Senate.

Rare, indeed, is the impressive conviction to service shown by an individual for the benefit of his community and fellow man,

such as that which has been demonstrated by Mark Lehner throughout his life and career.

Now, therefore, be it resolved, that this legislative body pause in its deliberations to honor Mark Lehner, recognizing his outstanding contributions to the functions of this chamber; and

Be it further resolved, that a copy of this resolution suitably engrossed be transmitted to Annette Lehner, his wife, and Erich Lehner, his son.

SENATOR WALDON: Mr. President.

THE PRESIDENT: Senator Waldon on the resolution.

SENATOR WALDON: Thank you very much, Mr. President.

I knew Mark Lehner but a short time; but during this short period of time, I learned to respect him. I learned to admire his work ethic. I learned to appreciate the willingness with which he helped me to resolve some rather thorny issues.

We cannot always judge the gifts

that someone would make if he lived for a long time; but in regards to Mark Lehner, I can truly say that the gifts that he brought to myself, to this chamber, to this body and to the people of the state of New York were indeed commendable.

I respectfully request that the resolution be left open so that all members of this Senate may join me in paying our absolute and utmost respects to the legacy of Mark Lehner.

Thank you, Mr. President.

THE PRESIDENT: Senator Ohrenstein.

SENATOR OHRENSTEIN: Mr. President. I thank Senator Waldon for paying his respect to this very wonderful man, Mark Lehner. He is one of that very loyal body of men and women who serve us here in this chamber and the whole New York Legislature so faithfully.

His death is indeed a tragedy. He was 42 years of age, died suddenly, and struck down in the middle of an extraordinary,

productive and wonderful life. He leaves a wonderful woman, Annette, and a young child. And it is very difficult, really, to express how sad I am personally at this particular tragedy.

I got to know Mark Lehner very well. He worked for the Minority Program and Counsel Office for thirteen years. He was a loyal, dedicated employee who loved this Legislature, loved this body, who loved the work he did.

He only recently while working here went to Western New England Law School and got his law degree in order to further his career and in order to better make a livelihood for his young family.

I appreciate the tribute that is being paid to him at this point by this body, as well as I'm sure his wife and child and his family does.

He will be very sorely missed by all of us and by me personally.

THE PRESIDENT: On the resolution. All those in favor, say aye.

(Response of "Aye.")

Opposed, nay.

(There was no response. )

The ayes have it. The resolution is adopted.

Any Senator who wishes to be listed as a sponsor to the resolution, please indicate by raising a hand.

SENATOR PRESENT: Mr. Cornell, I think we can put all members on it.

THE PRESIDENT: All members are listed as sponsors of the resolution.

Senator Present.

SENATOR PRESENT: Call now Calendar 1501.

THE PRESIDENT: Secretary will read.

THE SECRETARY: Calendar Number 1501, by Senator LaValle, Senate Bill Number 5896A, an act to amend the Environmental Conservation Law.

THE PRESIDENT: Senator LaValle.

SENATOR LAVALLE: Thank you, Mr.

President.

Mr. President, this bill is, I believe, a very historic piece of legislation that resolves years of conflict between the environmental and the development community.

This legislation was drafted by Long Islanders for Long Island's future.

The sponsor in the Assembly is Assemblyman DiNapoli. Assemblyman DiNapoli and I spent most of our time, really, over a considerable period of time, managing the parties that had a interest in this matter, establishing the goals to be achieved, and really trying to keep the parties moving towards those goals and accomplishing those goals.

The meetings were many, and the participation was very broad. It was one of inclusion and one in which the parties really had a great deal of input.

This legislation is supported by many groups, many individuals, but in a memorandum of support by the Long Island Association, I think it captures the essence of

what this legislation is all about. It says:

"This bill is one of the most important pieces of legislation concerning the future of Long Island ever considered by the New York State Legislature. The provisions of this bill, written after a lengthy process of meetings and discussions among all of the interested parties on Long Island, will provide a planning mechanism to help protect attractive land in the central pine barrens of Suffolk County, which is environmentally sensitive, through a combination of land purchases, transfer of development rights and other zoning procedures."

It is important, I believe, Mr. President, to just depart and take a minute, because this legislation is so important, because it was written by the people from Long Island who have such a stake in it.

I talked about Assemblyman DiNapoli, who has played such a key role with his assistant who is one of the directors of the Long Island Water Resources Commission, Mike

Deering. Our Majority Leader, Senator Marino, his encouragement was just absolutely terrific, and his role is and has been a very, very crucial one.

My co-sponsors are Senator Trunzo, who has played a tremendous role in participation with me, with his Director of the Water Resources Commission, Mary Ellen Suhrhoff; Senator Johnson, as chairman of the Environmental Conservation committee, and his Director, Dominic Jacangelo, very, very key role. And certainly Senator Lack, very, very much involved in the participation in this legislation.

The Long Island Association and the leadership of the president, Jim LaRocca, was so absolutely crucial in bringing parties together in actually defining what the central pine barrens was, the sensitive area, the core area, and the compatible area, played a very, very key role along with Mitch Pally of the Long Island Association.

Our county executive, Bob

Gaffney, has played a very key role, and the role of actually putting up money, important money that we will need for acquisition of sensitive lands. His deputy county executive, George Gatta, and also the key role of former county executive, Mike LoGrande; the supervisors John LaMaura of the town of Brookhaven and Fred Thiel, from the town of Southampton, have participated and played very key roles.

In the development community, we have Wilbur Breslin and Charles Mancini, who played outstanding roles, along with from a technical place Bob Wiebolt, who is the director of the New York State Builders Institute, and Buzz Schwenk, who is the Executive Director of the Long Island Builders Institute.

The environmental community was led by a person who has spent just untold hours and has been a very dynamic force in the development of this legislation, Dick Amper from the Pine Barrens Society and also Kevin McDonald, the Group of the South Fork.

What we are trying to do and what

I think people know is that we have the best of both worlds, that that's what we have on Eastern Long Island. We have open space, and we have productive farm land, scenic marshlands and a bountiful supply of pure water. Yet at the same time we enjoy a diverse economy built upon agriculture and fishing, tourism and a second home industry.

The area we've come to call the pine barrens falls into both of these worlds and has, so become subjected to pressures from both. But I have rejected the assumption that these forces must remain forever in conflict, and that is why this legislation was developed, legislation that I and the other Senators and Assemblyman DiNapoli are sponsoring, the "Long Island Pine Barrens Protection Act," and why I have spent so much time building and what we have done to build a delicate consensus that will determine the future of the pine barrens.

The Long Island Pine Barrens Management Act will bring to a close years of often hot debate between environmentalists and

developers over what should be preserved and what should be built on. It will do so by using a mechanism designed and agreed to by those it will immediately affect, guided by the best counsel from scientists and land use specialists and the local community.

Mr. President, this legislation is just really a beginning. It's a beginning because as part of this legislation an comprehensive plan will be developed, and I am sure that some of the same debates and discussions that have taken place in the development of this legislation will continue in the year of the development of this plan.

I can think of no piece of legislation that as a member of this body that I have sponsored has caught the attention of the people not only of my Senate District but of all Long Island. It has caught people's attention because it really points Long Island in a direction of what our future will be in many, many years to come, what will be preserved and what will be developed. It will mean what the

economic development ventures will look like in years ahead.

This legislation has had so many people that have participated in it. And, you know, as the sponsor, each person who has sat at a table have said to me on their own, independent, that the reason they have been involved in this is because they see that this is a legacy that they will be leaving for future generations on Long Island, and I really believe that it is true.

This legislation is larger and what it will accomplish is larger than any one person. It really is, as the Long Island Association said, one of the most important pieces of legislation for Long Island that we will be considering. It deals not only with the environment but it deals also with the economy and will also, I honestly believe, help to resolve some of the tax issues that plague Long Island.

Mr. President, it is my hope that good planning will come about from this

legislation, and in the compatible areas I think we will see the kinds of projects that Long Island needs.

I hope with this legislation, Mr. President, we will take the strip malls that have plagued much of Long Island, and we will see those strip malls within the walls of only this" entity called Jurassic Park.

Mr. President, I hope that my colleagues will enthusiastically support the passage of this legislation.

THE PRESIDENT: Senator Johnson.

SENATOR JOHNSON: Mr. President, I would like to join the debate only to congratulate Senator LaValle, the principal sponsor, and of course the other Suffolk Senators who are very, very strongly in support of this measure. I think there's been some relating of the forces that got together to make this happen. It sounds like alchemy. It sounds like making lead into gold, but it's happened and it's happened because the environmentalists, the local governmental officials. The business

people, all realized that the health of the environment on Long Island is vital to the health of the economy and the livability of Eastern Long Island.

And we are very delighted that Ken LaValle has stayed the course and sat down and dealt with contentious factions and put their heads together and said, "We can do something and we've got to do it together and stop telling me what can't happen. Tell me what can happen." And then he brought them to the table and made them tell him what could happen, and it's really happening tonight.

That this is a historic moment is without any doubt. That this is going to be beneficial to Long Island is without a doubt. That this is one of the most significant bills that's been passed since I have been here for 20 years there is no doubt.

And I would like to congratulate Ken LaValle and all the persons he managed to get together from all sectors of our society on Long Island to bring about this very beneficial

result which you see before you tonight in the form of this bill.

So, Ken, congratulations to you, and I would encourage everyone here to support this wholeheartedly. It is a good bill. It is a beneficial bill for our region and, indeed, for the entire state.

Thank you.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 16. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

(Applause. )

Senator Present.

SENATOR PRESENT: Mr. President, I wish to call up a Rules bill, print 6000, recalled from the Assembly which is now at the desk.

THE PRESIDENT: Secretary will read.

THE SECRETARY: By the Committee on Rules, Senate Bill Number 6000, an act to amend the Civil Service Law.

SENATOR PRESENT: Mr. President, I now move to reconsider the vote by which this bill was passed.

THE PRESIDENT: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration. )

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is before the house.

SENATOR PRESENT: Mr. President, I offer the following amendments.

THE PRESIDENT: Amendments received.

SENATOR PRESENT: Mr. President, on page 21, I offer the following amendments to Calendar 907, Senate Print 4870B, and ask that it remain in place on Third Reading Calendar.

THE PRESIDENT: So ordered.

SENATOR TULLY: Mr. President.

THE PRESIDENT: Senator Tully.

SENATOR TULLY: May we return to motions and resolutions.

THE PRESIDENT: Certainly.

SENATOR TULLY: May we remove the star on Calendar Number 887, Senate 4951.

THE PRESIDENT: So ordered.

SENATOR TULLY: Mr. President, on page 32, I offer the following amendments to Calendar Number 1385, Senate Print Number 5297, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: Without objection, so ordered.

SENATOR PRESENT: Mr. President, I move we adjourn until tomorrow at 1:00 p.m.

THE PRESIDENT: The Senate stands adjourned until Saturday at 1:00 p.m.

(Whereupon, at 9:07 p.m., Senate adjourned.)